

condemnation of 600 sacks of cottonseed meal, remaining unsold at Marion, Iowa, alleging that the article had been shipped by the Forney Cotton Oil & Ginning Co., from Forney, Tex., on or about December 8, 1925, and transported from the State of Texas into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 Pct. Protein Cotton Seed Meal Prime Quality * * * Manufactured By Forney Cotton Oil Ginning Co. Forney, Texas. Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43 Pct. Protein" and "Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said article contained less than 43 per cent of protein.

On April 8, 1926, the Forney Cotton Oil & Ginning Co., Forney, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14235. Adulteration and misbranding of cottonseed meal and cake. U. S. v. Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland (Quanah Cotton Oil Co.). Pleas of guilty. Fine, \$35. (F. & D. No. 19672. I. S. Nos. 20861-v, 20862-v, 20863-v, 20891-v.)

On December 24, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about January 17 and March 24, 1925, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal and cake which were adulterated and misbranded. The articles were labeled in part: (Tag) "100 lbs." (or "Pounds") "(Net) 43% Protein Cotton Seed Meal" (or "Cake") "Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that they contained 38.59 per cent, 40.32 per cent, 38.84 per cent, and 38.6 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent protein cotton seed meal, or 43 per cent protein cotton seed cake, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cotton Seed Meal," and "43% Protein Cotton Seed Cake" and "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the articles, were false and misleading, in that the said statements represented that the articles contained not less than 43 per cent of protein and not less than 43 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said amount of protein and crude protein, whereas they did not but did contain less than 43 per cent of protein and less than 43 per cent of crude protein.

On January 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$35.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14236. Misbranding of olive oil. U. S. v. 15 One-Gallon Tins of Olive Oil. Product released under bond to be relabeled. (F. & D. No. 19129. I. S. No. 16558-v. S. No. E-5005.)

On November 8, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 one-gallon tins of olive oil, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Palby